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## A BILL FOR AN ORDINANCE

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RELATING TO THE GRANTS IN AID FUND.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to create a fund to receive and expend monies to be used by the city to award grants in aid to federal income tax exempt non-profit organizations.

SECTION 2. Chapter 6, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

**"Article \_\_. Grants in Aid Fund**

**Sec. 6-\_\_1 Creation.**

There is hereby created and established a special fund to be known as the "Grants in Aid Fund" (hereinafter "fund").

**Sec. 6-\_\_2 Purpose.**

The purpose of the fund is to receive and expend monies to be used by the city to award grants in aid to charitable non-profit organizations that provide services to economically and/or socially disadvantaged populations or provide services for public benefit in the areas of the arts, culture, economic development or the environment pursuant to Section 9-205 of the Revised Charter of Honolulu.

"Charitable non-profit organization" means an organization that can establish that it:

- (1) Is exempt (or would be qualified for an exemption) from federal income tax pursuant to Section 501 of the United States Internal Revenue Code; and
- (2) Is organized and operated exclusively for religious, charitable, scientific or educational purposes on a non-profit basis in which no part of the net earnings of the organization inures to the benefit of any private individuals.

**Sec. 6-\_\_3 Deposit.**

There shall be deposited into the fund a minimum of one-half of one percent of the estimated general fund revenues, plus any interest earned on deposits in the fund.



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**Sec. 6-\_\_4 Additional expenditure requirements.**

- (a) There is established a grants in aid advisory commission which shall review applications for grants in aid monies and advise the city on projects to be funded with grant monies from the fund. The recommendations made by the grants in aid advisory commission regarding recommended expenditures from the fund shall be consistent with the priorities established by the council by resolution.
- (b) Applications for projects to be funded with grants in aid monies, including projects submitted by the city administration and by councilmembers to benefit their respective council districts, shall be submitted to the commission by January 20 of each year. The council shall only consider for the funding those projects for which applications have been submitted to the commission by the January 20<sup>th</sup> deadline.
- (c) The commission shall annually submit a report setting forth its recommendations to the city council by March 4.
- (d) The council shall select the projects to be funded with grants in aid monies through the annual budget process and the selection of the projects must comply with the requirements set forth in the Charter.
- (e) All monies for projects to be funded with grants in aid monies shall be awarded or encumbered within 45 days of the beginning of the fiscal year. All requests for payments from grantees shall be processed, reconciled and paid within 30 calendar days from its receipt. The administering agency may only withhold payment for disputed charges but only for the disputed amount. The administering agency shall notify the grantee and reconcile any disputes within 60 days from the date whereupon the applicable request for payment was received.
- (f) In the event of a disagreement between the department of community services, department of budget and fiscal services, or any other city agency involved in the administration of the program as to a disputed charge, the decision of the director of community services shall prevail.
- (g) At any given time, no more than five percent of the monies in the fund shall be used for administrative expenses.
- (h) Any balance remaining in the fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The monies in the fund shall not be used for any purposes except those listed in this article.



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### **Sec. 6-\_\_\_.5 Administration.**

The director of budget and fiscal services shall administer the fund and the director of community services shall administer the projects funded by grants awarded from the grants in aid fund. Procedures for the administration of the fund and the expenditure of funds awarded from the fund may be established by the director of community services by rule.

### **Sec. 6-\_\_\_.6 Annual report.**

The director of community services shall provide the council with an annual report within one month of the end of the fiscal year setting forth for each project funded with grants in aid monies:

- (a) The amount budgeted for each project;
- (b) The amount encumbered by the city for each project;
- (c) The amount expended by the city for each project;
- (d) Whether each project is in compliance with the terms of the grant award and, in the event of a project's failure to comply with the terms, the measures the city is taking to either assure the project's compliance or to recover the grant award monies."



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SECTION 3. This ordinance shall take effect upon approval, provided that, for calendar year 2013 only, the deadlines set forth in subsections 6-\_\_4(b) and 6-\_\_4(c) as provided in section 2 of this ordinance shall not apply. For projects funded through the fiscal year 2014 budget only: 1) the deadline for the submission of applications shall be June 28, 2013; 2) the commission shall submit a report setting forth its recommendations to the city council by August 1, 2013; 3) the council may review the projects considered by the commission and may establish priorities for the expenditure of monies from the fund; and 4) funding may be provided only for those projects for which applications have been submitted to the commission.

INTRODUCED BY:

Ernest Martin

Ann Kobayashi

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DATE OF INTRODUCTION:

January 24, 2013  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

August B. Krivos  
Deputy Corporation Counsel

APPROVED this 8th day of April, 2013.

Kirk Caldwell  
KIRK CALDWELL, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE 13-7

**BILL 4 (2013), CD2, FD1**

Introduced: 01/24/13 By: ERNEST MARTIN

Committee: BUDGET

Title: A BILL FOR AN ORDINANCE RELATING TO THE GRANTS IN AID FUND.

Links: [BILL 4 \(2013\)](#)  
[BILL 4 \(2013\), CD1](#)  
[BILL 4 \(2013\), CD2](#)  
[BILL 4 \(2013\), CD2, FD1](#)  
[CR-30](#)  
[CR-59](#)

Voting Legend: Y= Aye, Y\* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

COUNCIL	01/30/13	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON BUDGET.				
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	KOBAYASHI Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE Y
PUBLISH	02/09/13	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.				
BUDGET	02/13/13	CR-30 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN <u>CD1</u> FORM AND SCHEDULING OF A PUBLIC HEARING.				
COUNCIL/PUBLIC HEARING	02/20/13	CR-30 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON BUDGET.				
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	KOBAYASHI Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE Y
PUBLISH	02/25/13	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.				
BUDGET	02/27/13	CR-59 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN <u>CD2</u> FORM.				
COUNCIL	03/20/13	BILL AMENDED TO CD2, FD1.				
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	KOBAYASHI Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE Y
		CR-59 ADOPTED AND BILL 4 (2013), CD2, FD1 PASSED THIRD READING.				
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	KOBAYASHI Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
BERNICE K. N. MAU, CITY CLERK

  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER